

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES FINDLEY, *et al.*,

Plaintiffs,

v.

**Civil Action 2:24-cv-3220
Judge Michael H. Watson
Magistrate Judge Chelsey M. Vascura**

KEYSTONE RV COMPANY, *et al.*,

Defendants.

REPORT AND RECOMMENDATION

Plaintiffs' Complaint (ECF No. 2) asserts claims against, among others, a defendant identified as "John Doe Corporation." When 90 days elapsed after the Complaint was filed, the docket did not reflect that Plaintiffs had moved to amend the Complaint to substitute the real name of the Doe Defendant; nor did it reflect that Plaintiffs had effected service upon it as required by Federal Rule of Civil Procedure 4(m). Accordingly, on September 25, 2024, this Court issued an order directing Plaintiffs to show cause why the Court should not dismiss the Doe Defendant without prejudice and why the Court should allow an extension of time to effect service. (ECF No. 23.)

To date, Plaintiffs have not responded to the Show Cause Order, sought leave to amend the Complaint to substitute the real names of the Doe Defendant, or effected service on the Doe Defendant. It is therefore **RECOMMENDED** that Plaintiffs' claims against John Doe Corporation be **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 4(m) for failure to timely effect service of process.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A District Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a District Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE